

Cable Dig Explosion Damages 88 Houses

By **ROD GRANGER**

NEW YORK — A sub-contractor hired by Prestige Cable TV inadvertently struck a four-inch gas main in Westminster, Md.,

on Jan. 19, causing an explosion that damaged approximately 88 homes and caused an estimated \$1 million in damage.

Prestige, based in Cartersville, Ga., released a statement ex-

pressing concern for anyone displaced by the incident and explaining that the company had followed proper procedures in attempting to replace a cable line.

Prestige also said that Baltimore Gas and Electric had marked their underground gas lines on Jan. 13.

Maryland Underground Inc. was hired to do the excavation work and in turn hired Apollo Contracting, which began its work on Jan. 19, according to the statement.

"It was an unusual set of circumstances," said Art Slusark, director of public information for Baltimore Gas and Electric.

Following the line break, a BG&E technician found low levels of gas in two homes, and shut off the gas.

Three hours later, the house

at 90 Sunshine Way was "leveled," Slusark said.

Sixty-eight homes were damaged by the blast, while another 20 were condemned as a result.

The state fire marshall theorized that the explosion was caused by gas working its way through rain-soaked ground and collecting in the basement of the house that exploded, Slusark said.

Liability for the incident is under investigation. The marshall determined the explosion was an accident, but doesn't deal with civil cases. BG&E is conducting its own analysis. "We didn't hit the gas main; someone else did," said Slusark.

Prestige said it is "actively working" with the other companies involved to investigate the situation.

Sci-Fi Channel To Launch In NYC

NEW YORK — USA Networks' Sci-Fi Channel said it had reached an agreement with Time Warner Cable of New York City for the channel to launch to more than 1 million Time Warner subscribers on March 1.

Aside from increasing Sci-Fi's subscriber total to 18.5 million subscribers, the deal is significant because sources have said the two companies have been feuding over USA's affiliate deal with Time Warner Cable. While the two sides have disagreed about the USA deal, Sci-Fi has received only a limited rollout on Time Warner systems.

Douglas Holloway, senior vice president of affiliate relations for USA Networks, declined to comment directly about USA and Time Warner's stormy relationship, but said, "You can assume that you're probably correct."

Time Warner is also converting SportsChannel New York from a premium service to an expanded basic tier.

—MCH

Multichannel News Jan. 30, 1995 p. 12

EXHIBIT C

TCI Subcontractor Blamed For Colorado Explosion

By JOE ESTRELLA

DENVER — A TCI of Colorado subcontractor was blamed last week for an explosion that leveled two homes and severely damaged three others in an upscale subdivision north of Denver.

Developers Cable Construction

Inc. was using a "Ditch Witch," an underground drilling tool, to bore a 900-foot path for television cable when it sliced an 11-inch section out of a natural gas line that runs beneath the affluent Stratford Lakes subdivision.

The gas seeped into two nearby homes, where it was ignited

by an electrical spark, flattening both residences and causing severe fire damage to three others. Two of those homes will have to be condemned and torn down, the *Denver Post* reported.

Miraculously, only minor injuries were reported, although there were some close calls.

A woman on the second floor of one of the homes that exploded was thrown clear by the blast. The only serious injury was to a three-month-old child in a nearby residence who suffered a broken collarbone.

Mark Stutz, a spokesman for Public Service Co. of Colorado,

said this was not the first time a subcontractor working for a cable company had severed one of the utility's gas lines.

"We've had some problems with subcontractors for cable companies, but I couldn't give you an exact number," Stutz said.

Steve Santamaria, general manager of TCI's cable operations in metro Denver, said the subcontractor had been suspended from doing any more work for TCI pending an investigation.

However, Santamaria said Developers Cable Construction had done 120 miles of underground drilling for TCI of Colorado in the last two years, "and they hadn't had an incident during that time."

Santamaria headed a TCI response team that visited the site two days later, offering assistance with lodging, food and clothing.

TCI spokesman Jon Bowman said the company wanted to determine what, if any, "gaps" existed in insurance coverage for families affected by the explosion.

"We would be totally willing to fill in some of those gaps, if possible," Bowman said. "Basically, we're staying away from any finger-pointing or liability issues. Those will be dealt with in the weeks and months ahead." —MCN

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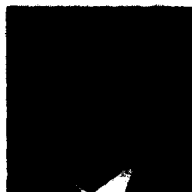
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Companies Ask For Speedy Cable Data

MAYNARD, MASS. — Businesses are "extremely interested" in getting high-speed data communications services from cable operators, according to a survey conducted by Digital Equipment Corp.

The survey hit 73,000 government, educational, health care and manufacturing companies, as well as commercial Internet users.

The 9,500 responses — representing a 13 percent response rate — showed that corporations are interested in cable because it combines high bandwidth and multipoint distribution, allowing them to do things like manufacturing design, video teleconferencing, distance learning and telemedicine.

"The speed, size and enthusiasm of the response to the survey show that business wants high-speed, multimedia communications over cable's broadband network, and wants it now," said Lois Levick, marketing manager of Emerging Network Technologies for Digital's Network Product Business.

Digital officials said about 230 cable operators have since requested more information on the findings, which they heard about through a campaign Digital initiated to "help operators determine if their plants are ready for data communications." —MCN

TUESDAY

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THE DENVER POST

March 14, 1995

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The Denver Post / Shaun Stanley

AFTER THE BLAST: Westminster firefighters pour water onto the ruins of homes destroyed by a natural-gas explosion and fires yesterday. A construction

crew installing cable-television lines apparently damaged an underground gas line.

Gas leak blows up 2 homes, damages 10

By Stacey Baca and Marilyn Robinson
Denver Post Staff Writers

A Westminster woman escaped serious injury yesterday after a natural gas leak blew up her home and another nearby and then ignited a fire that damaged other houses in her suburban neighborhood.

Two houses exploded and burned to rubble after a construction crew nicked a gas line while installing wires for a cable televi-

sion company.

The flames from those houses leaped to three additional homes, and broken windows or cracked walls were reported in seven more houses.

Authorities estimated the damage at \$1.5 million.

When the explosion occurred shortly after 11 a.m., Judy Moore was inside her house at 3479 W. 112th Circle, just east of Front

Range Community College. She had returned home from an aerobics class and had taken off her gym shoes when her house blew up. Within seconds, a second home across the street exploded and began to burn.

Moore crawled to safety. She later called her husband to tell him the news. "She was crying. She just said, 'I was in the house and it blew up,'" recalled Arlan Moore.

Judy Moore and other residents who live

in a one-block radius were evacuated from the neighborhood and taken to a recreation center, where they waited for relatives and made phone calls. Moore was later taken to St. Anthony Hospital North and treated for minor injuries.

"She is in good spirits," Arlan Moore said as he sat in a hospital waiting room. "She

Please see BLAST on 7A



The Denver Post / Karl Gehring

RESCUED: Westminster Police Officer Tim Wright carries pet rabbit rescued from 3489 W. 112th Circle.



The Denver Post / Karl Gehring

RUBBLE: A Westminster firefighter trains a hose on what's left of 3480 W. 112th Circle, one of the two homes leveled. A crew installing cable-television lines apparently damaged an underground gas line.

Natural gas explosion destroys 2 homes, damages 10

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really has a lot better instincts than I would have had."

Arian Moore said his wife was getting ready to take a shower in the master bathroom on the second floor when the explosion erupted. She was able to crawl to safety before the house exploded into flames.

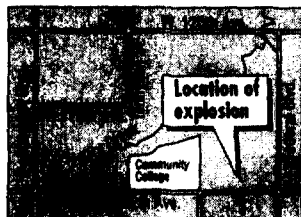
The couple moved into their brand-new home about six months ago, and Judy Moore recently finished decorating the entire house. But the only belongings the couple owned yesterday afternoon were the clothes on their backs and a car.

"This is it for me — my clothes," said Arian Moore, pointing to his sweater and pants. "I have my gym bag in the car to work out, but that is it."

Arian Moore made arrangements with an insurance agent while waiting for his wife to be released from the hospital. Judy Moore, decked in her workout clothes and white socks, was too upset to talk about her experience.

The Moores' across-the-street neighbors, who live at 3480 W. 112th Circle, were not home when their house exploded into flames, authorities said.

An entire chunk of wall from one home was blown into the middle of



The Denver Post

the street. A floral couch cushion and wicker basket seemed to be the only household items that were not burned beyond recognition.

A car that was parked inside the Moores' blackened garage was turned into a charred, metal skeleton. The home was reduced to ashes.

Authorities said the blast blew out out a window in a neighbor's home, cutting a 2-year-old boy and knocking a 3-week-old girl in a baby carrier off a counter top. Both children were treated at a clinic for minor injuries.

The homes went up in flames shortly after 11 a.m., but the problems with the gas line started about 9:45 a.m., when workers for Developers Cable Construction punctured a pipeline at 112th Circle and King Street, according to Dave Leiker, a spokesman for the Westminster Fire Department.

The crews were drilling a tunnel for the cable wires about 4 feet underground. They realized they struck the line and stopped drilling, said Leiker.

Residents said they immediately smelled gas. Mark Samaripa, who lives one block from the explosion, went to talk to the construction crew after his home filled with the gas odor.

"It smelled like I had sprayed with toxins," said Samaripa, who was home with his 6-year-old son. "I talked to the construction workers before the explosion happened. I told them something was wrong."

After the explosions, Samaripa ran inside at least two homes to warn residents of the danger.

The homes that exploded had filled with natural gas and then erupted into flames. Authorities were not sure what ignited the fires.

"Ignition could be anything, such as a pilot light from a furnace or possibly a spark from a light switch or outlet," Leiker said.

It is unclear who notified the Public Service Co.

But company spokesman Mark Stutz said gas crews arrived about 10:15 a.m. — at least 45 minutes before the explosion.

The workers had shut off the electricity and gas in the area and were trying to figure out where the construction crews ruptured the line.



The Denver Post / Karl Gehring

RUINS: A firefighter moves past 3479 W. 112th Circle.

The Public Service crew, Stutz said, was working near the homes when they exploded but also escaped injury.

As for Moore, Leiker said she was extremely lucky.

"She was probably in the right place at the right time. The explosion

probably blew out the first floor and then dropped the second floor," Leiker said. "I don't think she would have fared as well if she had been on the first floor. I think the house would have come down on her."

APPENDIX I

SUGGESTED RULES

The following Rules correspond to matters suggested by MIT Communities

Matters where MIT Communities generally adopt or support the positions of other parties are not included.

Open Video System Certification.

(a) A local exchange carrier may provide cable service to its cable service subscribers in its telephone area through an open video system. A local exchange carrier proposing to operate an open video system shall certify to the Commission that it will operate such open video system in compliance with this part. Only telephone companies can offer open video system services, no cable operator may be certified as an open video system provider.

(b) The Commission shall publish notice of the receipt of any such Certificate of Compliance and shall act to approve or disapprove any such certification within ten (10) days after receipt of such certification. In the absence of any action by the Commission approving or disapproving a Certificate of Compliance, such Certificate shall be deemed to be approved on the eleventh (11th) calendar day after receipt by the Commission.

(c) A Certificate of Compliance for an open video system shall include the following information:

(1) The legal name of the proposed open video system operator, entity identification or social security number, and whether the operator is an individual, private association, partnership, limited liability company, partnership, or a corporation.

(2) The name and respective percentage of ownership of all persons or entities which own, directly or indirectly, more than a ten percent (10%) financial interest, or any management interest, in the proposed open video system operator.

(3) The proposed open video system operator shall certify that it is a local exchange carrier and shall designate the telephone service area(s) within which such carrier provides telephone exchange service in which it proposes to provide cable service over the open video system.

(4) The mailing address, telephone number, and name of an individual responsible for communications with the Commission of the proposed open video system operator to which all communications are to be directed.

(5) The authorization in the form of a franchise, certificate, permit, license, ordinance, or agreement from each appropriate state and local government agencies or bodies in the proposed telephone service area in which the local exchange carrier proposes to operate an open video system.

(6) The channel capacity of the proposed open video system, and the portion of the activated channel capacity on which the local exchange carrier and its affiliates plan to provide video programming services to subscribers.

(7) The number of channels reserved for public, educational, or governmental access, and the support the proposed open video system operator will provide for such channels.

(8) The rate of the fees on the gross revenues of the proposed open video system operator for the provision of cable service imposed by a local franchising authority or other governmental entity, in lieu of the franchise fees.

(9) The date the local exchange carrier plans to commence providing open video system service to one or more subscribers.

(10) Certification that the proposed open video system will be operated in compliance with this part.

(11) A certificate of service showing that the Certificate of Compliance has been served on each local franchising authority or other governmental entity in the local telephone service area, service on all local broadcast television stations in the ADI in the telephone service area, and service on all cable operators providing cable service in the telephone service area.

(d) The proposed open video system operator shall receive the approval of the local franchising authority or other governmental entity no more than one hundred eighty (180) days prior to the Commission's receipt of the Certificate of Compliance.

Rates and Contracts.

(a) Open video system providers shall include with their certification their entire rate structure, including rates, terms and conditions, for entities other than the open video system provider to provide programming on the open video system, and shall include complete copies of all contracts already signed with third parties whereby the open video system provider or such third parties carry or otherwise provide the third parties' programming on the open video system.

(1) The rates shall include charges in fifteen-minute increments up to and including continuous, full-time carriage.

(2) The open video system provider shall file with the Commission all changes or additions to the preceding rates, terms conditions and contracts immediately upon their being signed or effective.

(b) The open video system provider shall at no charge provide all the preceding items in subsection (a) to any third party requesting same within seven (7) days of receipt of a written or verbal request for same.

(c) All rates and contracts shall contain a most favored nations clause as follows: "Programmer shall be entitled at any time to the rates, terms and conditions on which any other person is provided access to or the carriage of programming by the open video system provider."

(d) Rate differences may only be based on objective, verifiable criteria such as volume discounts, special rates for non-profit entities or other categories with advance approval of the Commission.

(e) All persons requesting access to or carriage on the open video system shall be provided carriage in 6 MHz NTSC analog format on the analog portion of the open video system provider. No person shall be provided carriage on any digital or in -6 MHz NTSC format unless they expressly request same in writing.

Unaffiliated Entities. To be counted towards the two-third unaffiliated entity requirement, a person may have no relation with the open video system provider, directly or indirectly, other than a carrier-user relationship. Such person may not be owned by, operated by, controlled by, or under common control with the open video system provider.

(a) As used above, the terms "control" and "affiliate" bar any financial or business relationship whatsoever by contract or otherwise, directly or indirectly between the open video system provider and such person, except only the carrier-user relationship.

(b) Examples of situations in which an open video system provider and such person will be deemed to be controlled or having a relationship include the following among others: Where one is the debtor or creditor of the other (except with respect to charges for communication services); where they have a common officer, director, or other employee at the management level; where there is any element of ownership or other financial interest by one in the other; and where any party has a financial interest in both.

Franchise Fees.

(a) An open video system provider shall pay a fee in lieu of a franchise fee at the same effective rate as is paid the local franchising authority by its cable operator. Such effective rate may be in excess of 5% for cable franchises entered into prior to October 30, 1984, and for such franchises the open video system provider shall include the monetary value of all goods and services provided by the incumbent cable operator, less the fair

market value of any such goods and services which the open video system provider duplicates and similarly provides.

(b) Upon request by either the local franchising authority or an actual or prospective open video system provider, the cable operator serving the local franchise authority shall provide within seven (7) days of a verbal or written request for same a statement of the fair market value of all goods and services which it provides such local franchising authority or others in support of PEG channels and a detailed description of how such value was computed. In addition, such cable operator shall provide the local franchising authority and actual or prospective open video system provider complete access to all books and records necessary or helpful in the ascertainment, computation of such fair market value.

CERTIFICATE OF SERVICE

I, Nikki L. Klungle, hereby certify that on this 10th day of April, 1996, I caused copies of the foregoing "Comments of Michigan, Illinois, Texas Communities" to be sent by first-class mail, postage prepaid to the following:

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